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8 SAMUEL RUSS OXLEY,
9 Plaintiff,

10 v.
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12 DEPUTY SAMUEL JONES, et al.,
13 Defendants.
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15 Case No. 23-cv-00510 BLF (PR)
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17 **ORDER DENYING MOTION FOR
STAY; GRANTING EXTENSION OF
TIME TO FILE OPPOSITION;
DIRECTING DEFENDANTS TO
FILE NOTICE OF INTENT;
DENYING ADMINISTRATIVE
MOTION AS MOOT**
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19 (Docket Nos. 59, 60)

20 Plaintiff, who appears to be a pretrial detainee currently confined at the West
21 County Detention Facility, filed a civil rights complaint under 42 U.S.C. § 1983 against
22 officers of the Contra Costa County Sheriff's Department. Dkt. No. 1. The Court found
23 the complaint stated cognizable claims and ordered service on Defendants who were
24 directed to file a dispositive motion. Dkt. No. 27. On April 1, 2024, Defendants filed a
25 motion for summary judgment which included video evidence. Dkt. No. 55. Defendants
26 served on Plaintiff a copy of the motion, which included a thumb drive containing the
27 video evidence, but the prison refused service because thumb drives are considered
28 contraband. Dkt. No. 59 at 1-2. Upon receipt of that notification, Defendants re-served
their motion papers on Plaintiff without the video evidence on April 9, 2024. Dkt. No. 60-
1 at 2.

1 Plaintiff filed a motion “requesting Defendants motion for summary judgment be
2 denied, regarding undue delays in Plaintiff opposing response, or stay motion for necessary
3 information to be obtain[ed].” Dkt. No. 59. Plaintiff states that he does not know what
4 was on the thumb drive that was rejected by the prison and is therefore unable to examine
5 the adequacy of the information contained therein. *Id.* at 2. Plaintiff requests a stay to
6 “have opportunity to pursue requested discovery that have not been answered.” *Id.* at 3.
7 However, Plaintiff provides no description of the pending discovery for this Court to
8 determine whether a stay is appropriate. Accordingly, the motion for a stay is **DENIED**.
9 In the interest of justice, the Court will grant Plaintiff an extension of time to complete
10 discovery and file opposition to Defendants’ motion as set forth below.

11 With regard to Defendants’ video evidence, it is unclear whether Plaintiff will ever
12 be provided an opportunity to view this evidence and respond to it in his opposition.
13 Defendants must either arrange an opportunity for Plaintiff to be able to review this video
14 evidence or file notice that they wish to withdraw this video evidence on the basis that it
15 has not been provided to Plaintiff. If Defendants wish to keep the video evidence as part
16 of their summary judgment motion, they must make arrangements with the prison so that
17 Plaintiff is able to prepare an opposition after viewing the video evidence in the time
18 provided below. Defendants shall file notice of their intent **no later than fourteen (14)**
19 **days** from the date this order is filed and, unless they intend to withdraw the evidence,
20 include therein an explanation regarding the arrangements they have made with the prison
21 with regard to the video evidence.

22 Plaintiff’s motion to deny Defendants’ summary judgment motion or for a stay is
23 **DENIED**. Dkt. No. 59. In the interest of justice, Plaintiff is granted an extension of time
24 to file an opposition to Defendants summary judgment motion. Plaintiff’s opposition shall
25 be filed **no later than June 24, 2024**, which is an extension of eight weeks from the
26 original deadline of April 29, 2024.

27 Defendants’ reply shall be filed **no later than fourteen (14) days** from the date
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1 Plaintiff's opposition is filed.

2 Defendants' administrative motion is **DENIED** as moot by this order. Dkt. No. 60.

3 This order terminates Docket Nos. 59 and 60.

4 **IT IS SO ORDERED.**

5 **Dated:** May 21, 2024


BETH LABSON FREEMAN
United States District Judge

United States District Court
Northern District of California

25 Order Denying Motion; Granting EOT to file Opp.
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